UNITED STATES PATENT AND TRADEMARK OFFICE

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10/666,869	09/18/2003	Michael G. Polan	CA920020062US1	8469

7590	10/20/2006

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/666,869
Filing Date: September 18, 2003
Appellant(s): POLAN ET AL.

Betty Formby, Reg. No. 36,536
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 30 August 2006 appealing from the Office action mailed 30 March 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment submitted with the appeal brief is not being entered because it changes the claimed subject matter.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

substantially correct. The changes are as follows:

The Ground of Rejection 2 omitted claim 3, which is also anticipated over

Fletcher2. Accordingly the Ground of Rejection 2 should state:

GROUND OF REJECTION 2 (Claims 1-3, 8, and 11-12)

Whether claims 1-3, 8, and 11-12 are anticipated over **Fletcher et al.**,

Provisioning Aggregated Services in a Distributed Computing Environment, U.S. Patent

Publication No. 2003/0135628 (July 17, 2003) (hereinafter **"Fletcher2"**) under 35

U.S.C. 102(e).

Additionally, the Ground of Rejection 3 title contains claims 1, 2, 5, 8-9, and 11-

13 whereas only claim 5 was previously rejected as being indefinite. Accordingly the

Ground of Rejection 3 should state:

GROUND OF REJECTION 3 (Claim 5)

Whether claim 5 is indefinite for reciting "the provisioning system". An

amendment to claim 5 accompanies this appeal brief for the sole purpose of removing

this issue from appeal.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"The provisioning system" lack antecedent basis.

Claims 1, 2, 5, 8, 9, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Fletcher et al. (US 2003/0055624), hereinafter "Fletcher".

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claims 1 and 8, Fletcher discloses the invention as claimed including a web service provisioning system and method for provisioning a plurality of web services (Fig. 8), the provisioning method comprising providing web service description data correlated to each web service of the plurality of web services ([0011]; [0023]; and 840, Fig. 8), wherein the web service description data defines the respective web service in Web Services Definition Language ([0011]; [0064]; [0051]; [0052]), providing respective provisioning processes data for each web service of the plurality of web services (810, Fig. 8; [0064]; [0075]) and for each of a plurality of provisioning web services that correlate to respective administrative systems supporting the plurality of web services ([0024]; [0050]), wherein the provisioning processes data is in Web Services Flow Language ([0063];]0064]; [0075]); receiving a selection of a first web service([0022]); invoking the respective provisioning processes data for the first web service ([0022]; [0023], [0024]); and invoking the respective provisioning processes data for each provisioning web service that correlates to a respective administrative system supporting the first web service ([0024]; [0050]).

As to claim 2, Fletcher discloses a service catalog system configured to present the plurality of web services using the correlated web service description data and to allow selection of a desired web service ([0061]).

As to claims 5 and 9, Fletcher discloses the provisioning processes data comprises a plurality of node, wherein each node of the plurality of nodes comprises web service invocation data for invoking the respective provisioning web service ([0062]; and Fig. 12).

As to claim 11, a computer program product stored in computer readable media and having instructions for directing a computer processing system to implement the provisioning system of claim 1 and the method of claim 8 is inherent in Fletcher's disclosure.

As to claims 12 and 13, Fletcher discloses the plurality of provisioning web services that correlate to respective administrative systems chosen from a group consisting of a billing system, a security system, and a user profile system (inherent in [0024]; [0050]).

Claims 1, 2, 8,11, and12 are further rejected, and claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Fletcher et al. (US 2003/0135628), hereinafter "Fletcher2".

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the

invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claims 1 and 8, Fletcher2 discloses the invention as claimed including a

web service provisioning system and method for provisioning a plurality of web services

(Fig. 4), the provisioning system comprising providing web service description data

correlated to each web service of the plurality of web services ([0047]; [0050]; and 410,

Fig. 4), wherein the web service description data defines the respective web service in

Web Services Definition Language ([0047]; [0050]), providing respective provisioning

processes data for each web service of the plurality of web services (440, Fig. 4; [0050];

[0070]) and for each of a plurality of provisioning web services that correlate to

respective administrative systems supporting the plurality of web services ([0043]),

wherein the provisioning processes data is in Web Services Flow Language ([0050];

[0070]); receiving a selection of a first web service ([0068]); invoking the respective

provisioning processes data for the first web service ([0068]); and invoking the

respective provisioning processes data for each provisioning web service that correlates

to a respective administrative system supporting the first web service ([0043]; [0068]).

As to claim 2, Fletcher2 discloses a service catalog configured to present the

plurality of web services using the correlated web service description data and to allow

selection of a desired web service ([0037]).

As to claim 3, Fletcher2 discloses the service catalog system is further configured to determine user profile data ([0051]; [0055]; [0068]; [0069]).

As to claims 12 and 13, Fletcher2 discloses the plurality of provisioning web services that correlate to respective administrative systems ([0043]) chosen from a group consisting of a billing system ([0043]), a security system ([0021]; [0055]), and a user profile system ([0055]).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Schaeck et al. (US 2003/10163513); and Fletcher et al. (US 2003/10055878).

(10) Response to Argument

Appellant presented the following arguments:

(1) Regarding claims 1 and 8: Fletcher (U.S. Patent Publication 2003/0055624) does not disclose that administrative systems in this patent application are provisioned by web services.

Fletcher's portal is used to integrate web services (see paragraph 14). This integration of web services creates a new web service (see paragraph 41). Additionally, the portal functions as a full web service utility and "in this capacity, the portal also

manages web services and integration of web services" (see paragraph 41). This clearly explains that administrative systems are provisioned by web services.

(2) Regarding claims 1 and 8: Fletcher2 (U.S. Patent Publication 2003/0135628) does not disclose that administrative systems in this patent application are provisioned by web services.

Fletcher is incorporated by reference into Fletcher2 (see paragraph 1) and therefore the above response to argument applies.

Additionally, Fletcher2 described executing an aggregated service and configuring its sub-services (see paragraph 68). Since both the aggregated service and its sub-services are web services (see paragraph 35), using the aggregated service to configure sub-services is an administrative function provisioned by a web service.

. Furthermore, Fletcher2 described creating a new web service when aggregating other web services (see paragraph 37). The portal platform creates the new web services and also manages these web services (see paragraph 37).

And lastly, Fletcher2 disclosed a portlet might act as a web service intermediary or proxy (see paragraph 38). Fletcher2 then described the portlet of figure 2 operating as a web service proxy between the portal platform and the software resource 250, i.e. a web service, while the web service carries out the function of interest (see paragraph 40), which may be administrative in nature (see paragraph 43).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
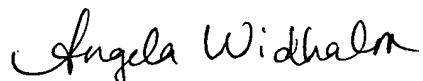
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Dated: 11 October 2006

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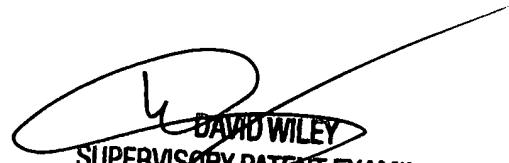
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